



INTERIOR BOARD OF INDIAN APPEALS

Brenda J. Bellonger v. Aberdeen Area Director, Bureau of Indian Affairs

34 IBIA 113 (09/14/1999)

Related Board case:
34 IBIA 49



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

BRENDA J. BELLONGER,
Appellant

v.

ABERDEEN AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing Appeal,
: Vacating Decision, and
: Remanding Case
:
:
: Docket No. 99-100-A
:
:
: September 14, 1999

On September 3, 1999, the Board of Indian Appeals received a notice of appeal from Brenda J. Bellonger, pro se. Appellant sought review of an August 2, 1999, decision of the Aberdeen Area Director, Bureau of Indian Affairs, (Area Director, BIA), affirming a decision of the Superintendent, Sisseton Agency, BIA, to advertise and lease Sisseton Allotment 822 to the highest bidder. The Board issued an order in the case on September 7, 1999.

On September 10, 1999, the Board received a copy of a September 7, 1999, letter from the Area Director to Appellant, stating that she was rescinding her August 2, 1999, decision and remanding the matter to the Superintendent for appropriate action. She also stated that Allotment 822 is available for lease.

It appears likely that the Area Director signed her September 7, 1999, letter before she received Appellant's notice of appeal. However, because Appellant had already filed her notice of appeal on September 7, 1999, the Area Director lacked jurisdiction over the matter. E.g., Iron v. Billings Area Director, 32 IBIA 118 (1998). The Board treats the Area Director's September 7, 1999, letter as a request to the Board to vacate her August 2, 1999, decision and remand the matter to the Superintendent for further action.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed, the Area Director's August 2, 1999, decision is vacated, and this matter is remanded to the Superintendent, Sisseton Agency, for further action.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge